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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 United States of America,  
10 Plaintiff,

11 v.

12 \$10,951.00 in United States Currency,  
13 Defendant.  
14

No. CV-24-00427-TUC-CKJ

**ORDER**

15 On October 28, 2024, the Plaintiff, the United States, sought a status conference  
16 regarding Gabriela Viviana Soltero, who had presented herself at the United States  
17 Attorney's Office, Tucson, claiming a partial interest in the *in rem* property, \$10,951.00,  
18 that is the subject of this forfeiture action. The Court denied the motion because the alleged  
19 claimant had not appeared in this action. The Court advised her that she could not represent  
20 any other claimant, such as her brother-in-law, Adril Delgado Gutierrez, and that any claim  
21 to the \$10,951.00 needed to be filed in this action by the time set for answering. The Court  
22 extended that time to November 18, 2024. The Court had a copy of its Order sent to both  
23 Soltero and Gutierrez. The Court advised the alleged claimants that failing to file an answer  
24 or motion in this action stating a claim may result in dismissal of such claims, default, and  
25 the Court's entry of a judgment of forfeiture in this case.

26 The time for filing claims in this action has passed, without any filings being made  
27 in this case. The United States filed the Complaint (Doc. 1) against the defendant on August  
28 26, 2024, and served a Warrant of Arrest on the defendant currency on September 6, 2024.

1 (Doc. 4.) The United States gave direct notice of the Complaint and Warrant to the known  
2 potential claimants, Gabriela Viviana Soltero and Adril Delgado Gutierrez, on October 1,  
3 2024. (Docs. 5 and 6.) Notice was mailed to them directly in compliance with Federal Rules  
4 of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset  
5 Forfeiture Actions (“Supplemental Rules”), Rule G(4)(B). In addition, the government  
6 gave notice of the action by publication, pursuant to Supplemental Rule G(4)(a)(iv)(C).  
7 (Doc. 8.) To the extent, Gabriela Viviana Soltero’s contacting the United States Attorney’s  
8 office was intended as a claim to the defendant currency, \$10,951.00, her claim is stricken  
9 for failure to comply with the directives of the Court’s Order issued on October 28, 2024,  
10 to file her claim in this action.

11 As neither Gavriela Viviana Soltero nor any other individual has filed any pleading  
12 to challenge forfeiture of the defendant property, and the time for filing a claim has expired,  
13 the Court concludes that the United States may proceed by default pursuant to Rule 55(a)  
14 of the Federal Rules of Civil Procedure.

15 Rule 55(a) of the Federal Rules of Civil Procedure provides, “When a party against  
16 whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as  
17 provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk  
18 shall enter the party’s default.” The record herein cited reflects compliance by the United  
19 States with the provisions of Rule G of the Supplemental Rules governing civil *in rem*  
20 forfeiture actions, including Supplemental Rule G(5)(a)(i) notice requirements that ensure  
21 claimants have an opportunity to contest the forfeiture. The record also reflects that no  
22 claimant has filed an answer to the Complaint or made a motion under Rule 12, pursuant  
23 to Supplemental Rule G(5)(b). The deadline for filing a responsive pleading making a  
24 claim under Supplemental Rule G has passed. Due to the failure of any party to plead or  
25 otherwise defend in this action, the Court enters a default against all interests of any party  
26 in defendant property.

27 **Accordingly,**

28 **IT IS ORDERED** that any claim by Gabriela Viviana Soltero is STRICKEN.

